

AUTO COLLISION REPAIR LICENSING ADVISORY BOARD

MEETING MINUTES FOR OCTOBER 30, 2007

Members present:

David Reynolds, New Century Auto Inc  
Jeanne McCarthy, DBR  
Richard Bernstein, DBR  
Gerald Galleshaw, public member  
David Doucet, RISP  
Charles Nystedt, Metlife Auto & Home

Others Present:

Maria D'Alessandro, DBR  
Randy Bottella, Reliable Collision Center  
Jina Petrarca Karampetsos, Petrarca & Petrarca  
Rep. Bruce Long  
Fred Santaniello, NEIT  
John Leger, ADCO Adhesives  
John Wisnewski, Payless Auto Glass  
Stephen Zubiago, Nixon Peabody/PCI  
Peter Olsen, Payless  
Bruce Nash, Colorall  
Larry Alan, Nationwide  
Jeff Mocarsky, Maaco Collision

MEETING CALLED TO ORDER AT 10:35 am

September minutes discussed motion to accept by DR seconded RB unanimous

Discussed the Certification criteria and the relationship with New England Tech and the inclusion of courses for glass installation

Rbot: Submitted the Technician Certification proposal from subcommittee to Board for a vote.

Jmc: Amend to have new criteria take affect at the next renewal December 31, 2009

DR: Motion to accept and have the Board send up to the Director, GG seconded unanimous

Rbot: If the Director approves we should send a notice to all shops so that they would have adequate notice.

RB: Suggested that the Board send notice to the General Assembly that they have completed this mandate.

DR: Questioned the status of the Storage Regulations

RB: The Regulations need to be renoticed and he is unsure when that would happen

Jmc: Suggested that the new appraisal conduct requirements be included on these pending regulations.

JW: Discussed the glass subcommittee proposals to changes to glass regulations

JMC: Questioned were customer notification of products to consumers

Rbot: A standard procedure should be enacted. Suggested leaving the product specification sheet for consumer information giving the parameters under which the urethane should be used. i.e. temperature

JW: Agreed to include this change

Jmc: Amendment the addition should go into effect on the next renewal date December 31, 2007

JW: Also include post license numbers on the vans

JMC: Made a motion to accept the glass subcommittee proposals to use as a working draft to write glass regulations. Seconded DR unanimous

SZ: Representing Colorall on their attempt to receive a special use license submitted a letter from DEM that he claimed was their approval.

He also claimed he did not need fire safety information because he no longer plans to paint within an enclosed tent but plans to now paint outside without any enclosure.

DR: Produced another the letter from the DEM Office of Technical & Customer assistance that stated the need for a permit prior to doing any refinishing.

SZ: Claimed he was unaware of the letter

DR: Asked if Colorall was recently denied an application in DeMoines Iowa?

BN: No

DR: Read a newspaper article stating they had been denied by Iowa Insurance Commissioner

BN: This was a problem with zoning.

DR: Stated the Special Use application is not complete the criteria the Board set required DEM and Fire Safety compliance. before it would be considered. There is no fire safety and we have two contradictory letters from DEM.

SZ: This is my second application the last application was returned even though my cover letter stated that I did not need the fire safety because we did not intend to use enclosures anymore. Along with a letter from chief counsel of DEM Patty Fairweather that stated they did not require permitting prior to refinishing. And that he intended to submit a legal opinion as to why he doesn't need fire safety check

CN: Asked if counsel submits a letter on his letterhead that the code does not apply they could get a legal opinion from DBR?

DR: Read regulation 4 D (5) application section for an auto body shop license including the fixed location criteria

RB: Suggested the Board take a vote to either recommend or not recommend and send to the Director for a decision

DR: Opposed – noted that with today's State budget there will not be additional funds for additional enforcement -questioned how this will be monitored.

RB: Asked the Board to act with certainty they since SZ and BN have come before the Board 4 times.

JMC: We need fire safety and DEM once completed it would be voted on and in the final analysis the Director will make the decision

SZ: We would like an answer today. I am not going to get the fire safety information. It took 3 months to get something from DEM

MA: Where are do you stand with the fire? Or is it your position you don't have to comply

SZ: We spent a lot of time that went to city and towns and the state – they stated a requirement that would be onerous to use – that requirement was triggered by the enclosure – each city and town required that we need to apply for permit and pay a fee this did not make sense economically. We do not want to avoid the fire safety but the simplest thing was not to use the tent.

MA: Who told you that?

SZ: The people from the fire place and it is the clear interpretation of the law I am willing to give a legal opinion. I don't know if I can get a fire marshal to sit down with me and tell him my story.

JMC: Recently the Department had a hearing for denial of license for lack of spray booth and the fire marshal refused to allow them to spray outside

SZ: That was for a full body shop not a special use

MA: How is this issue handled in other states?

BN: If we want to use the enclosure we get an exemption for a tent less than 200 square feet. Your state requires permitting for 120 that is not big enough to put car in. Not using the tent does have an impact in bad weather. In Des Moines we got the okay to use enclosure by agreeing to change the air 6 times.

JMC: Do you use the enclosure everywhere else?

BN: Yes

RB: The Director is currently preparing a presentation the theme is DBR is a pro-business agency by reducing red tape trying to help economy by making it easier to deal business. These people have been here over and over, give your advice to Director and he will make decision.

MA: They can't get an answer today. Can you reconcile the two opinions from DBR letters? Did you sit down and meet with someone? Could you provide us with the correspondence you provided to DEM?

SZ: It was by phone

MA: This letter is in response to a telephone conversation?

SZ: I would have to check my file – if the answer is no to the application let it be no

JMC: You have not yet put in a completed application

RB: We will have a definitive answer by next meeting – whether or not to vote on recommendation

BN: Currently there are 26 technicians in Boston area under one franchise they can use up to 30 gallons per technician

DR: That is 780 Gallons of paint

RB: Can you attach to a building like in Des Moines to be technically in compliance in RI?

BN: No it is specific to their (Des Moines) rules they required a brick and mortar building and that would have required us to install a spray booth. We had to tether the enclosure to a building to technically comply.

CN: Requested to see application before voting

JMC: The Department processes the actual application and the Decision to license is the Department's. The Board establishes the criteria for Special Use. The Board determined that mobile auto body shop applicant required Dem and fire safety. If he acquires those two items then the Board can look at what he submits and determines if he has fulfilled the criteria.

DD: Who determines if the practice of spraying outside is okay?

JMC: The Department did have the State Fire Marshall in concerning the enclosures now they have eliminated those. We have had hearings for denial of license for lack of spray booth were the local fire marshal refused to allow any spraying outside and required the shop to subcontract. That's the only information I have

SZ: Requests to supplement application with a letter stating that the fire safety codes do not apply to his client

CN: Makes a motion to permit SZ counsel to supplement application with either a letter from fire marshal or a letter giving his legal position

JMC: This requirement would not be just for this Special Use applicant (Colorall) but for all other applicants out there that wish a similar license

CN: Asks that the Board members be notified whether or not the application is complete before their arrival next month

GG: Are there many similar businesses currently operating without a license?

JMC: Yes

SZ: We have limited ourselves to only 6 cities and we will only do fleet vehicles

JMC: If you get this license you operate anywhere - there are no limitations this is a State license

DR: We will take an up or down vote next time

RB: motion to adjourn 12:05pm  
GG seconded unanimous

